AMENDMENTS TO THE CLAIMS:

1. (Currently Amended) An image recording apparatus that records image data on a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising:

a detector for detecting a capacity of said recording medium; and

a setter for setting each of said unit areas to a ~~larger~~ first unit area size ~~as~~ when the capacity detected by said detector is one of at least equal to and greater than a ~~large~~ first recording medium capacity size, and for setting each of said unit areas to a second unit area size when the capacity detected by said detector is one of less than and at most equal to the first recording medium capacity size, the first unit area size being greater than the second unit area size.

2. (Previously Presented) An image recording apparatus according to claim 1, further comprising a specifier for specifying a recordable number of frames of said recording medium on the basis of the capacity detected by said detector, wherein said setter sets the size of said unit area on the basis of the recordable number of frames specified by said specifier.

3. (Previously Presented) An image recording apparatus according to claim 2, wherein said image data is compressed image data compressed by rendering a predetermined size a target, and said specifier specifies said recordable number of frames on the basis of the capacity of said recording area and said target size.

4. (Previously Presented) An image recording apparatus according to claim 1, wherein said image data is motion image data formed by a plurality of screens of still images, and said setter sets the size of said unit area in consideration of a bit rate of the motion image data.

5. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 1.

6. (Currently Amended) An image recording method that records image data on a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising the steps of:

(a) detecting a capacity of said recording medium; and

(b) setting each of said unit areas to a ~~larger~~ first unit area size ~~as~~ when the capacity detected in said step (a) is ~~large~~ one of at least equal to and greater than a first recording medium capacity size; and

(c) setting each of said unit areas to a second unit area size when the capacity detected in said step (a) is one of less than and at most equal to the first recording medium capacity size, the first unit area size being greater than the second unit area size.

7. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 2.

8. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 3.

9. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 4.

10. (New) An image recording apparatus according to Claim 1, wherein the first unit area size is about twice greater than the second unit area size.

11. (New) An image recording apparatus according to Claim 1, wherein the setter sets each of said unit areas to the second unit area size when the capacity detected by said detector is

one of less than and at most equal to the first recording medium capacity size and is one of at least equal to and greater than a second recording medium capacity size, and wherein the setter sets each of said unit areas to a third unit area size when the capacity detected by said detector is one of less than and at most equal to the second recording medium capacity size, the second unit area size being greater than the third unit area size, and the first recording medium capacity size being greater than the second recording medium capacity size.

12. (New) An image recording apparatus according to Claim 11, wherein the first unit area size is about twice greater than the second unit area size, and wherein the second unit area size is about four times greater than the third unit area size.

13. (New) An image recording apparatus according to Claim 11, wherein the first recording medium capacity size is about twice greater than the second recording medium capacity size.

14. (New) An image recording method according to Claim 6, wherein the first unit area size is about twice greater than the second unit area size.

15. (New) An image recording method according to Claim 6, wherein said step (c) includes the sub-step of:

(c1) setting each of said unit areas to the second unit area size when the capacity detected in said step (a) is one of less than and at most equal to the first recording medium capacity size and is one of at least equal to and greater than a second recording medium capacity size;

and wherein the image recording method further comprises the step of:

(d) setting each of said unit areas to a third unit area size when the capacity detected in said step (a) is one of less than and at most equal to the second recording medium capacity size,

the second unit area size being greater than the third unit area size, and the first recording medium capacity size being greater than the second recording medium capacity size.

16. (New) An image recording method according to Claim 15, wherein the first unit area size is about twice greater than the second unit area size, and wherein the second unit area size is about four times greater than the third unit area size.

17. (New) An image recording method according to Claim 15, wherein the first recording medium capacity size is about twice greater than the second recording medium capacity size.

18. (New) An image recording method that records image data on a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising the steps of:

(a) detecting the capacity of said recording medium;

(b) calculating a recordable number of frames of said recording medium on the basis of the capacity detected in said step (a);

(c) setting each of said unit areas to a first unit area size when the recordable number of frames calculated in said step (b) is one of at least equal to and greater than a first threshold number of recordable frames;

(d) setting each of said unit areas to a second unit area size when the recordable number of frames calculated in said step (b) is one of less than and at most equal to the first threshold number of recordable frames and is one of at least equal to and greater than a second threshold number of recordable frames; and

(e) setting each of said unit areas to a third unit area size when the recordable number of frames calculated in said step (b) is one of less than and at most equal to the second threshold

number of recordable frames, the first unit area size being greater than the second unit area size, and the second unit area size being greater than the third unit area size, the first threshold number of recordable frames being greater than the second threshold number of recordable frames.